

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, APRIL 15, 2004
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Kroeker, Budget and Fiscal Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:17 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
APRIL 8, 2004**

MOTION: Heier moved and Hudkins seconded approval of the Staff Meeting minutes of April 8, 2004. Hudkins, Heier and Stevens voted aye. Schorr was absent from voting. Motion carried.

Schorr arrived at 8:23 a.m.

2 ADDITIONS TO THE AGENDA

- A. Juvenile Accountability Incentive Block Grant (JAIBG) Request
- B. Report on the April 14, 2004 Planning Commission Meeting
- C. Report on the April 14, 2004 Public Hearing on the West Bypass

MOTION: Heier moved and Schorr seconded approval of the additions to the agenda. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

3 COMMISSIONER MEETING REPORTS

A. Information Services Policy Committee (ISPC) - Stevens

No report.

B. Monthly Meeting of Public Building Commission Chair, Vice Chair and Mayor - Hudkins

Hudkins said concerns related to the City Council's decision to direct their staff, including the joint receptionist, to not issue parking garage exit passes to those attending City Council meetings were discussed. The City Council later reversed its action.

C. Region V Governing Board - Schorr

Schorr said Region V's proposal to the State to provide mental health services under LB 1083 (Adopt the Nebraska Behavioral Health Services Act) and a recommendation from the Behavioral Health Advisory Committee to remove one of its members were reviewed.

D. Public Building Commission Meeting - Hudkins, Workman

Hudkins said expanded food service hours and landscaping for the County-City Building were discussed.

4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit A).

ADDITIONS TO THE AGENDA

D. Sale of Real Estate (Executive Session)

MOTION: Heier moved and Hudkins seconded approval of the addition to the agenda. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

5 PENDING LITIGATION - Doug Cyr, Deputy County Attorney

MOTION: Hudkins moved and Heier seconded to enter Executive Session at 8:50 a.m. for discussion of pending litigation and the sale of real estate. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

MOTION: Hudkins moved and Schorr seconded to exit Executive Session at 9:15 a.m. Hudkins, Heier, Schorr and Stevens voted aye. Motion carried.

6 PENSION UPDATE - Michael Studebaker, Nationwide Retirement Solutions (NRS) Regional Vice President; Joyce Hall and Chad Christensen, NRS; Dave Kroeker, Budget and Fiscal Officer; Doug Cyr, Tim Genuchi and Bill Thoreson, Pension Review Committee

Kerry Eagan, Chief Administrative Officer, reported the following recommendations from the Pension Review Committee: 1) Retain the existing group annuity contract (guaranteed rate of 4.5% through 2004 and a guaranteed minimum rate of 3.5% for the life of the 5-year contract, with a book value transfer limit of 5 years at the end of the contract) rather than sign a new group annuity contract (rate of 4.2% through June 30, 2004, adjusted quarterly, and a minimum guarantee of 3.2%, with no book value transfer at the end of the contract period); and 2) Utilize Nationwide Retirement Solutions (NRS) to review and analyze the pension plan investment array and assist with administration of the Pension Plan Investment Policy.

Michael Studebaker, NRS Regional Vice President, said there will be a rate impact if the County wants more liquidity because NRS will invest the funds differently.

Doug Cyr, Pension Review Committee, said the cost to participants for the three basis points would be \$90,000. He questioned whether the funds in the County's array are motivated by NRS's fiscal interest.

Studebaker said NRS believes there are funds available that are comparable performers in most categories and has made a proposal to provide the County with that analysis, including revenue impact, and let the County make those decisions.

MOTION: Hudkins moved and Heier seconded to: 1) Direct the Pension Review Committee to work with Nationwide Retirement Solutions (NRS) in an analysis of the investment array; and 2) Not take action on the proposed group annuity contract. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

Information regarding public sector retirement was also distributed (Exhibit B).

7 PROPOSED FLOOD PLAIN STANDARDS FOR GROWTH AREAS - Nicole Fleck-Tooze, Public Works/Utilities Special Projects Administrator; Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager; Mike DeKalb, Planning Department; Doug Pillard, County Engineering

Nicole Fleck-Tooze, Public Works/Utilities Special Projects Administrator, and Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager, gave a Power Point presentation on proposed flood standards for new growth areas (Exhibits C & D).

Stevens noted that the County Engineer expressed concern in a memorandum that Section 10.4.2 of Chapter 10 in the Design Standards allows the City to make final determination on which alternative is chosen, in terms of stream crossings, and believes his department should be allowed to make the decision on which alternative is chosen, based upon its analysis, and then follow the appropriate mitigation as outlined in Section 10.4.3 (Exhibit E). Thomas went on to say that should the City decide that they must make the final determination, the City should then be required to fund any additional costs.

The Board will hold a public hearing on May 4, 2004 on Comprehensive Plan Amendment No. 04017, requested by the Director of Public Works/Utilities and the Lower Platte South Natural Resources District (NRD), to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to replace and update language relating to floodplains and the recommendations of the Mayor's Floodplain Task Force for Flood Standards for New Growth Areas.

8 LANCASTER COUNTY AGRICULTURAL SOCIETY SIGN - Gary Britton and Jean Todd, Nebraska Department of Roads; Ron Snover, Lancaster County Agricultural Society President ; Alan Wood, Lancaster County Agricultural Society Counsel; Wayne Venter, Event Center Managing Director; Mike DeKalb, Planning Department

Gary Britton, Nebraska Department of Roads, explained that the Lancaster County Agricultural Society's advertising of off-premise activities (commercial products) on its electronic sign is a violation of federal and state law and the Nebraska Department of Roads' rules and regulations for controlling outdoor advertising and jeopardizes federal funding for road projects (Exhibit F). His department has asked the County to enforce these laws and rules because the sign is located along the National Highway System route and is within the County's jurisdiction.

Mike DeKalb, Planning Department, said the City has jurisdiction as far as zoning and sign control. The sign does not comply with city zoning requirements, but is exempted because the Ag Society is a governmental subdivision. He said the exception would not necessarily apply to state and federal requirements.

Hudkins asked whether the sign would be in compliance if the property were zoned commercial or industrial.

Britton said not at the present time. He said the sign might qualify for a permit under proposed new rules and regulations with appropriate zoning and if other criteria are met.

DeKalb said the Ag Society has asked for a Comprehensive Plan amendment to show commercial zoning on the corner of 84th Street and Havelock Avenue. That request is still under advisement and the land is still zoned Agricultural (AG).

Stevens said perhaps the Ag Society could structure its fees in such a way as to provide events with display advertising on the sign, with a fee included in the rental charge.

Britton said fixed messages, such as that for Pepsi Cola, appears to be off-premise advertising.

Alan Wood, Lancaster County Agricultural Society Counsel, explained that Pepsi Cola has the exclusive right to provide to soft drink products at all Event Center activities and events.

Britton agreed to reevaluate the issue and Wood agreed to provide him with relevant documents and case law. Britton will notify the Board if the Department of Roads reverses its position.

9 PEOPLESOFT CONTRACT UPDATE - Dave Kroeker, Budget and Fiscal Officer; Jim Walkenhorst, Information Services Systems Project Manager

Dave Kroeker, Budget and Fiscal Officer, and Jim Walkenhorst, Information Services Systems Project Manager, gave an overview of Projected Enterprise One Implementation and Ongoing Operational Costs and a preliminary staffing plan (Exhibits G & H).

MOTION: Hudkins moved and Schorr seconded to authorize purchase of twenty-four units of training. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

10 FAMILIES FIRST & FOREMOST (F³) HEALTH CONFERENCE - Renee' Dozier, F³ Associate Director; Sarah Kripal, Director of Public Relations & Social Marketing

Renee' Dozier, F³ Associate Director, said F³ and Region III Behavioral Health Services will sponsor a conference in Lincoln on May 11, 2004 to provide information on effective/evidence-based interventions for youth who have severe emotional and behavioral problems on May 11, 2004 (Exhibit I). She noted plans to charge a \$20 registration fee and asked whether those funds could be redirected to F³'s budget.

Dave Kroeker, Budget and Fiscal Officer, said the funds will need to be deposited as revenue.

ADDITIONS TO THE AGENDA

A. Juvenile Accountability Incentive Block Grant (JAIBG) Request

Kit Boesch, Human Services Administrator, presented Juvenile Expediter/Graduated Sanctions Quarterly Report, January 2004 - March 2004 and Juvenile Accountability Incentive Block Grant 2004-05 (Exhibits J & K).

Schorr exited the meeting at 12:02 p.m.

MOTION: Hudkins moved and Heier seconded to authorize Kit Boesch, Human Services Administrator, to apply for Juvenile Accountability Incentive Block Grant (JAIBG) funding in the amount of \$188,887, with County match of \$84,467. Hudkins, Heier and Stevens voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 12:05 p.m.

11 ACTION ITEMS

A. News Release Regarding Licensing Requirements for Persons Performing Heating, Ventilating and Cooling, and Plumbing Work

Stevens pointed out a typographical error in the draft (see agenda packet).

MOTION: Hudkins moved and Heier seconded to authorize Gwen Thorpe, Deputy Chief Administrative Officer, to proceed with the press release, with the noted correction.

Thorpe said she will not be able to meet the publication deadline for The NEBLINE, a publication of Lancaster County Cooperative Extension.

Kristy Mundt, Deputy County Attorney, said Building and Safety has recommended that July 1, 2005 be the effective date of the licensure requirements.

ROLL CALL: Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

B. Letter of Support for Nebraska Fire and Arson Conference

MOTION: Hudkins moved and Schorr seconded approval. Heier, Hudkins, Schorr and Stevens voted aye. Motion carried.

C. Hiring Request from Corrections (Lieutenant Replacement)

MOTION: Heier moved and Schorr seconded approval. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

A. Lincoln-Lancaster Women's Commission Appointment (Tami C. Soper) and Board of Zoning Appeals Reappointment (Steven Hollman)

The Board scheduled the items on the April 20, 2004 Board of Commissioners Meeting agenda.

B. Use of Ethanol and Biodiesel Fuel

Thorpe noted that the Board had requested that a memorandum be sent to county agencies encouraging use of ethanol and biodiesel fuels and said she checked and was told the commodities contract for fuel can be amended to include those types of fuels. She said the cost will be greater and the biodiesel fuel will require an additive. There are also concerns regarding the impact to four-cycle engines and warranties.

MOTION: Schorr moved and Heier seconded to hold off on the memorandum. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

The Board asked Thorpe to encourage Kathy Smith, Assistant Purchasing Agent, to meet with Todd Sneller, Nebraska Ethanol Director.

C. Letterhead

Cori Beattie, County Board Administrative Secretary, appeared and asked whether the Board is interested in changing its letterhead.

The Board asked Beattie to bring back samples for consideration.

ADDITIONS TO THE AGENDA

B. Report on the April 14, 2004 Planning Commission Meeting

Stevens said the Planning Commission continued its public hearing on Comprehensive Plan Amendment No. 03007 (Amend the 2025 Lincoln/Lancaster County Comprehensive Plan to remove a statement relating to the future determination of county impact fees) and took action to recommend approval of the alternative language submitted by the Planning Department, dated April 8, 2004 (Exhibit L):

As called for in the adopted Comprehensive Plan, an independent study to quantify the economic impacts of acreage development has been completed. The study's conclusions and the subsequent public dialogue suggests the County and City continue to look at ways to contain public costs and coordinate public resource allocation, especially in the area of road construction. A variety of management techniques could be used, including the shared engineering and funding of road projects that aid urban expansion and adoption of rural land use policies that minimize future capital and operating costs.

The Board directed staff to schedule a public hearing on Comprehensive Plan Amendment No. 03007 at the earliest possible date.

C. Report on the April 14, 2004 Public Hearing on the West Bypass Project

Stevens and Hudkins reported on a public hearing to discuss plans to turn an eight-mile section of U.S. Highway 77 into a freeway (plans include construction of two new interchanges at the intersections of Warlick and Pioneers Boulevards and closing existing intersections at Rokeby, Yankee Hill and Old Cheney Roads).

Schorr reported on a meeting held to discuss the Hickman viaduct project.

13 ADJOURNMENT

MOTION: Heier moved and Schorr seconded to adjourn the meeting at 12:53 p.m. Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk